

APPLICANT:
Clarence L. White, Jr. and
Cynthia D. White

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS

REQUEST: A variance to allow an addition
to encroach the minimum 40 foot front yard
setback

HEARING DATE: January 5, 2005

Case No. 5461

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Clarence L. White, Jr.

CO-APPLICANT: Cynthia D. White

LOCATION: 1009 Manchester Court – Hampton Ridge subdivision, Bel Air
Tax Map: 41 / Grid: 3B / Parcel: 568 / Lot: 83
Third Election District (3rd)

ZONING: R1 / Urban Residential District

REQUEST: A variance pursuant to Section 267-36B, Table IV, of the Harford County Code, to allow an addition to encroach the minimum 40 foot front yard setback (27 foot setback proposed).

TESTIMONY AND EVIDENCE OF RECORD:

First testified Clarence L. White, Jr., Applicant. Mr. White described his property as being a two story single-family colonial type home located on a single family lot. The application indicates that the subject property is approximately one-half acre in size, and located within the Hampton Ridge subdivision of Bel Air.

Mr. White testified that the subject property is somewhat unusual in that a large open space parcel is located to the west of the home, at the end of the cul-de-sac on which the house sits. The curve of Manchester Court as it leads into the cul-de-sac is also located directly to the front of the house, which gives the house a somewhat curving front yard.

The Applicants propose to build a one-story sunroom to the west, or open space side of their dwelling. The sunroom will be approximately 22 feet by 28 feet in size, having a roof which matches that of the existing home in both pitch and color. While the construction materials of the sunroom have not yet been chosen, they will generally match the color and texture of the existing house.

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Mr. White believes that because of the curving nature of Manchester Court in front of his house, the requested variance to the front yard setback will not be noticeable.

Mr. White has spoken to his neighbors and none have expressed any opposition. He has requested permission from his homeowners association, which has approved the construction.

Mr. White has reviewed the Harford County Department of Planning and Zoning Staff Report and agrees with its suggested conditions. He will agree to submit a landscaping plan for the Department's review and approval. The Harford County Department of Planning and Zoning's Staff Report finds the property to be unique. It is irregular in shape due to the curve in Manchester Court, and abuts a Natural Resource District to the rear of the lot. Due to these factors, the buildable area of the lot is highly constrained. Approval would not have an adverse impact on adjacent properties or intent of the Code, according to the Staff Report.

There was no evidence or testimony presented in opposition.

APPLICABLE LAW:

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

"Variances.

A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:

(1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.

(2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.

B. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.

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- C. *If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.”*

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Testimony of the Applicant, Clarence L. White, Jr., and the evidence of record, particularly the photographs attached to the Staff Report, show an attractive single family home with garage, which is located at an unusual angle to the cul-de-sac and roadway to its front. To the rear and west of the subject property is wooded open space. The side of the property on which the proposed sunroom would be located would be adjacent to the open space.

Because of the curve leading into the cul-de-sac, the rather unusual location of the house in relationship to the rear and cul-de-sac, and the Natural Resource District open space behind the house, the ability of the Applicant to construct an addition is severely constrained. Accordingly, in order to construct such an addition, a 13 foot variance to the required 40 foot front yard setback is required.

It is accordingly found that the property is unusually located and configured, and that without a variance the Applicants would suffer an unusual hardship, that is, they would be unable to construct a sunroom, similar in type and function to others within their subdivision and within Harford County. The granting of the variance is necessary because of the unusual configuration of the property, and the location of the residence in relationship to the cul-de-sac and to its front and side. The variance, if granted, would have no adverse impact on any adjoining property owner and, in fact, should be virtually unnoticeable to any neighbor or passer-by.

It is further found that the variance requested is the minimum necessary to provide the Applicants relief from the hardship caused by the unusual nature of their property.

CONCLUSION:

Accordingly, it is recommended that the requested variance be granted, subject to the following:

1. That the Applicants obtain all necessary permits and inspections for the construction of the sunroom.
2. That Applicants shall submit a landscaping plan to the Department of Planning and Zoning for review and approval prior to application for a building permit.

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3. That the construction of the sunroom, including its pitch, roof color, and color and texture of exterior walls, shall match to the extent reasonably possible that of the existing home.

Date: February 4, 2005

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner